

ESTTA Tracking number: **ESTTA756547**

Filing date: **07/06/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91228302
Party	Defendant Match Media Group LLC
Correspondence Address	MATCH MEDIA GROUP LLC MATCH MEDIA GROUP LLC 16192 COASTAL HWY LEWES, DE 19958  eva@matchfactor.co
Submission	Answer
Filer's Name	Irina Stan
Filer's e-mail	eva@matchfactor.co
Signature	/Irina Stan/
Date	07/06/2016
Attachments	Answer to Notice of Opposition 91228302.pdf(1707221 bytes )

# **Answer to Notice of Opposition and Request to Consolidate**

In the matter of Trademark Application

Serial No: : 86814444  
Applicant: : Match Media Group LLC  
Filed: : November 9, 2015  
Mark : MATCH FACTOR

Opposition No : 91228302

Please find below the answers to Notice of Opposition 91228302. We find no objective data to support Opposer case therefore we are asking to grant the Applicant's Trademarks as requested.

## **Priority and Likelihood of Confusion**

- 1) The Opposer found necessary to apply for specific Trademarks using composed words or expressions using word MATCH as follows:
  - a. MATCHWORDS – U.S. Reg. No. 3299484
  - b. MATCHPHONE – U.S. Reg. No. 3299484
  - c. MATCHPLAY – U.S. Serial No. 86343573
  - d. MATCHUPS – U.S. Serial No. 86812200
  - e. MATCH EVENTS - U.S. Serial No. 4666847
  - f. Match.com Events - U.S. Serial No.86215941
  - g. MATCH & Design – U.S. Reg. No. 4805047

Opposer realized the importance and went thru the effort to obtain these trademarks for very particular word combinations but he did not applied for MATCHFACTOR or MATCH FACTOR.

Also, besides these Trademarks, per the statement of the Opposer (page 5, upper paragraph) : "The MATCH Marks also include a variety of common law "MATCH" trademarks that Match.com has also used over the years, including MUTUAL MATCH, REVERSE MATCH, and MATCHPHONE".

Again, we outline that Opposer went to great extent to obtain specific trademarks containing word Match in separate or single composed expression but did not mention or claim the use of terms MATCH FACTOR or MATCHFACTOR at any time.

The Opposer did not use the words MATCH FACTOR or MATCHFACTOR and he did not find the need or use to apply for a Trademark therefore he does not have Priority.

2) There is no objective confusion between the marks. Major search engines and online stores make clear discrimination between the marks. Here are extracts from major search engines and on line stores:

**a. Google Play Store**

- i. Search for word “Match” returns only suggestions related to the Opposer. See Exhibit 1A
- ii. Search for word “MatchFactor” or “Match Factor” returns only suggestions related to the Applicant. See Exhibit 1B

**b. Google web**

- i. Search for word “Match” returns only suggestions related to the Opposer. See Exhibit 1C
- ii. Search for word “MatchFactor” or “Match Factor” returns only suggestions related to the Applicant. See Exhibit 1D

**c. Apple iTunes Store**

- i. Search for word “Match” returns only suggestions related to the Opposer. See Exhibit 1E
- ii. Search for word “MatchFactor” returns only suggestions related to the Applicant while word “Match Factor” returns no suggestions. See Exhibit 1F

**No use of mark in commerce before Application or amendment to allege use was filed**

1) In 2014 the Applicant developed a novel algorithm technology for matching persons prior to filing for Trademark. The trade name came naturally, out of common language used to define the specific act of calculating the match, hence: Match Factor / MatchFactor. Applicant used this mark on June 22, 2015 when a Provisional Application for Patent was filed on for “System and Method for Matching in a Network Environment”. See Exhibit 2 containing an extra with the paragraph related to the field of the Invention and associated screen pictures.

The Applicant trademark has no relation to Opposer and originated organically.

2) Applicant started using publicly this mark on July 27, 2014 when he obtained the registration of the website [www.matchfactor.co](http://www.matchfactor.co). See Exhibit 3A

- 3) The website [www.matchfactor.co](http://www.matchfactor.co) using the marks was public and functional on Nov 12, 2014, formal date used for Trademark. A screen capture of the webpage was attached as Specimen to the Trademark filing. See Exhibit 3B

Both marks MATCH FACTOR and MATCHFACTOR were used in commerce in connection to the provisions of the Subject Services by the Applicant on and prior to Nov 12, 2014.

## **Request to Consolidate**

Even on this Answer we responded to both Oppositions, we consider that later we may arrive at a level of detail where the decisions may be different for these cases. As a result, the Applicant requests separate proceedings as Trademarks are different even the opposing parties are the same.

Respectfully Submitted,

Date: June 24, 2016

By: /Irina STAN/

Irina STAN  
Managing Director  
Match Media Group LLC  
16192 Coastal Hwy  
Lewes, Delaware 19958-3608

## **Certificate of Service**

I hereby certify that a true and complete copy of the foregoing *Answer to Notice of Opposition and Request to Consolidate*, including all exhibits has been served via First Class Mail, postage prepaid to:

Edward T. Colbert  
William M. Merone  
KENYON&KENYON LLP  
1500 K Street, N.W. ;Suite 700  
Washington, D.C. 20005

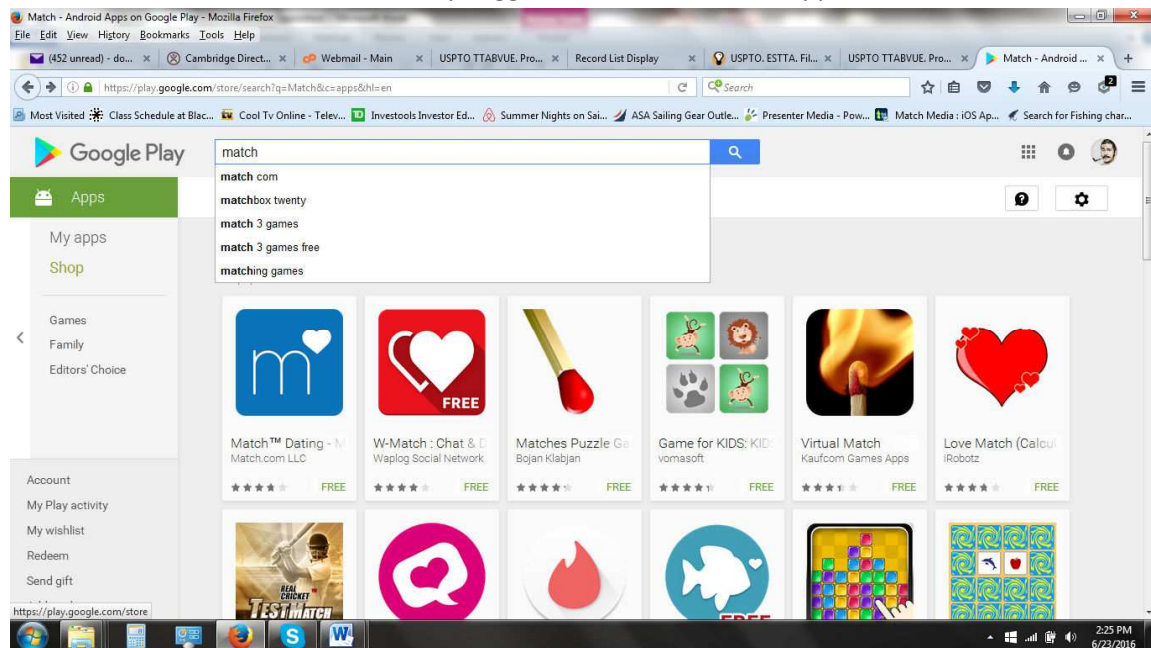
Date: July 6, 2016

By: /Irina STAN/

Irina STAN  
Managing Director  
Match Media Group LLC  
16192 Coastal Hwy  
Lewes, Delaware 19958-3608

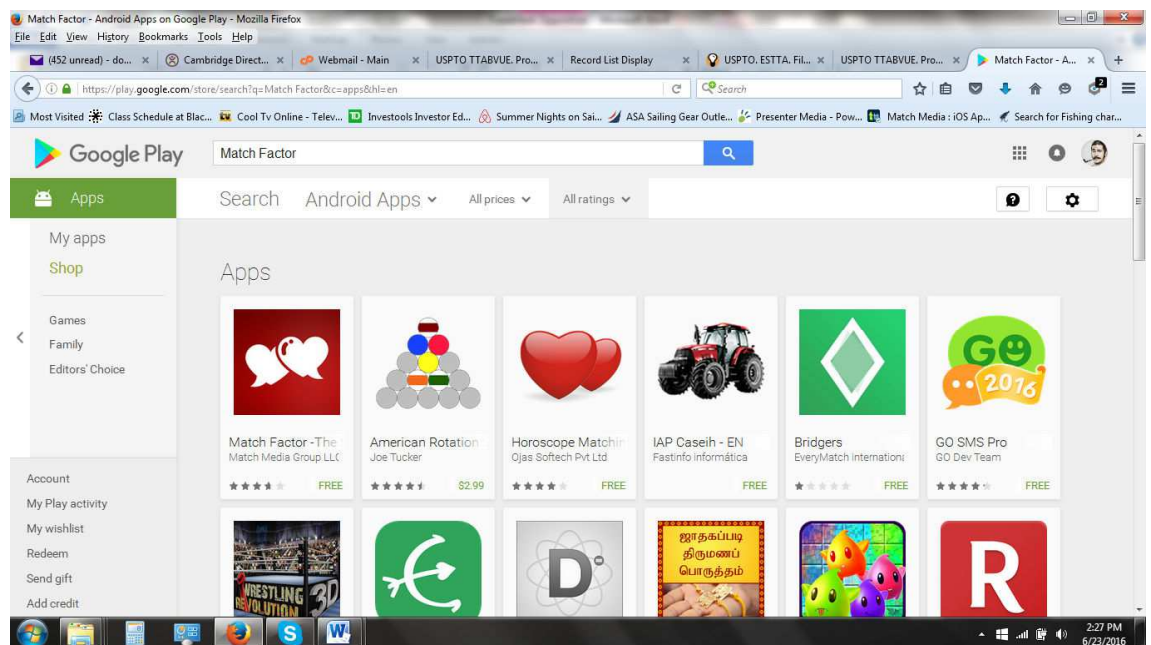
## Exhibit 1A

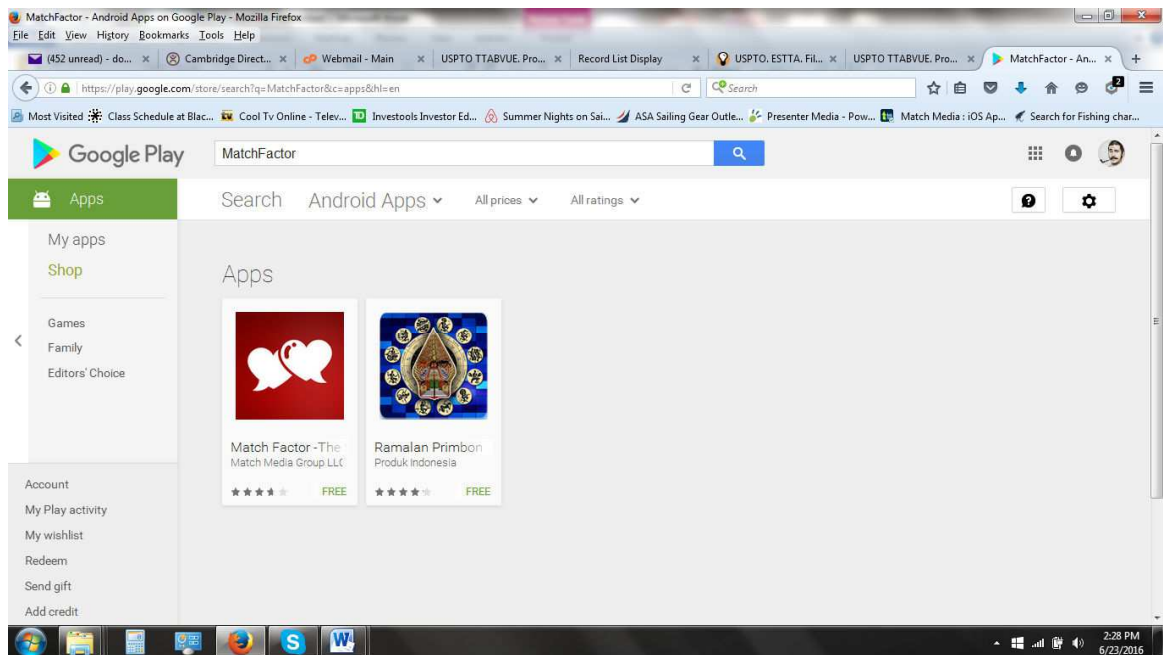
Search for word “Match” returns only suggestions related to the Opposer



## Exhibit 1B

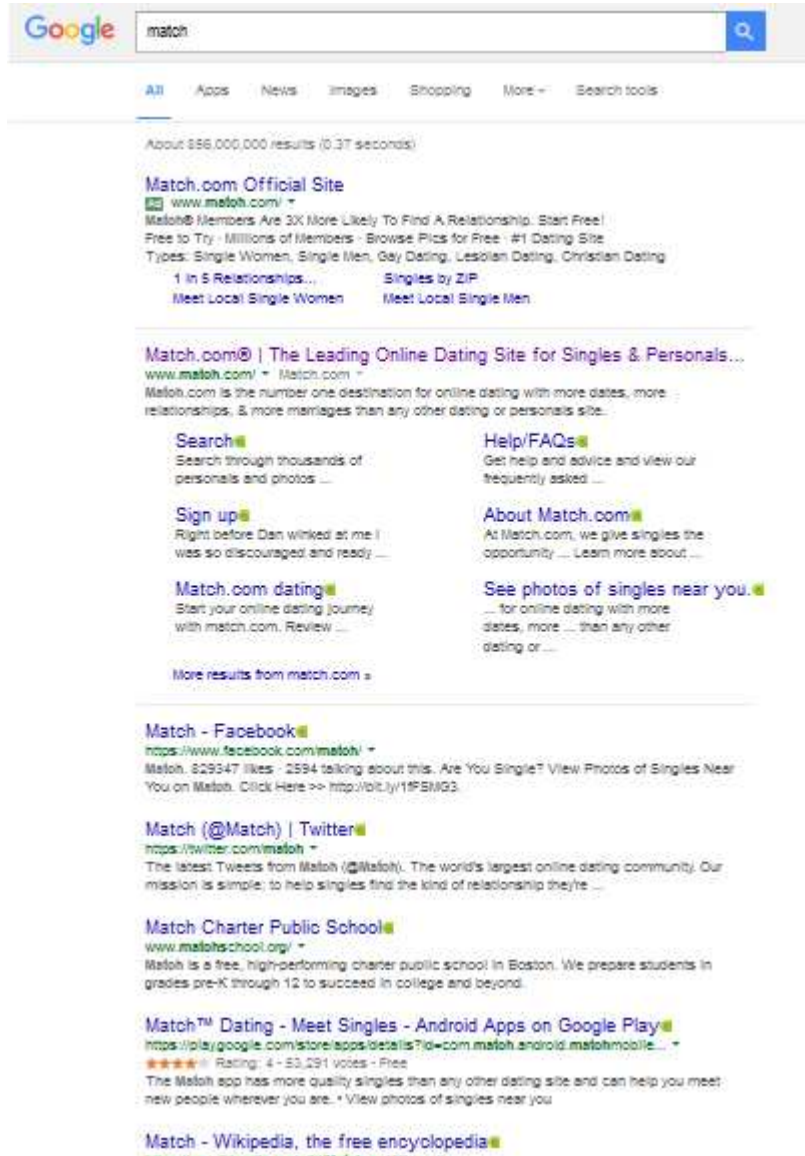
Search for word “MatchFactor” of “Match Factor” returns only suggestions related to the Applicant





## Exhibit 1C

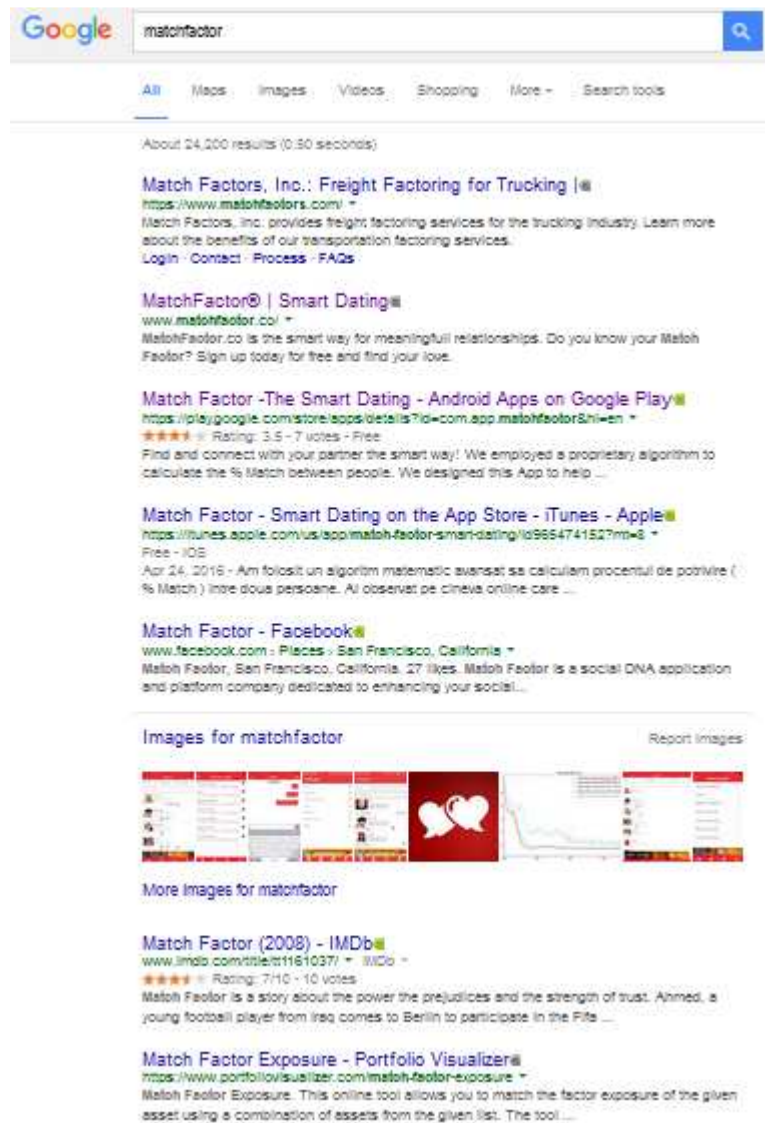
Search for word “Match” returns only suggestions related to the Opposer







## Exhibit 1D

Search for word “MatchFactor” or “Match Factor” returns only suggestions related to the Applicant









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About 124,000,000 results (0.36 seconds)


**Match Factors, Inc.: Freight Factoring for Trucking** 

<https://www.matchfactors.com/> 


Match Factors, Inc. provides freight factoring services for the trucking industry. Learn more about the benefits of our transportation factoring services.


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Log into your Match Factors account to view your information. Thank you for choosing Match Factors as your freight factoring service provider!

**MatchFactor® | Smart Dating** 

[www.matchfactor.co/](http://www.matchfactor.co/) 


MatchFactor.co is the smart way for meaningful relationships. Do you know your Match Factor? Sign up today for free and find your love.




**Match Factor - Smart Dating on the App Store - iTunes - Apple** 

<https://itunes.apple.com/us/app/match-factor-smart-dating/id965474152?mt=8> 


Free - iOS


Apr 24, 2016 - Am folosit un algoritm matematic avansat sa calculez procentul de potrivire (% Match) intre doua persoane. Ai observat pe cineva online care ...

**Match Factor - Facebook** 


[www.facebook.com](http://www.facebook.com)  [Places](#)  [San Francisco, California](#) 


Match Factor, San Francisco, California. 27 likes. Match Factor is a social DNA application and platform company dedicated to enhancing your social...

**Match Factor Exposure - Portfolio Visualizer** 


<https://www.portfoliovisualizer.com/match-factor-exposure> 



Match the factor exposure and performance of the given asset using a combination of given assets.

**Match Factor | Matching Your World** 

[matchfactor.net/](http://matchfactor.net/) 


Coming Soon. © 2013 Match Factor.


**Match Factor (2008) - IMDb** 

[www.imdb.com/title/tt1161037/](http://www.imdb.com/title/tt1161037/)  [IMDb](#) 

★ ★ ★ ★ Rating: 7/10 - 10 votes

Directed by Zia Maheen. With Anneke Kim Samsu, Navid Navid, Sebastian Schwarz. Match Factor is a story about the power the prejudices and the strength of ...

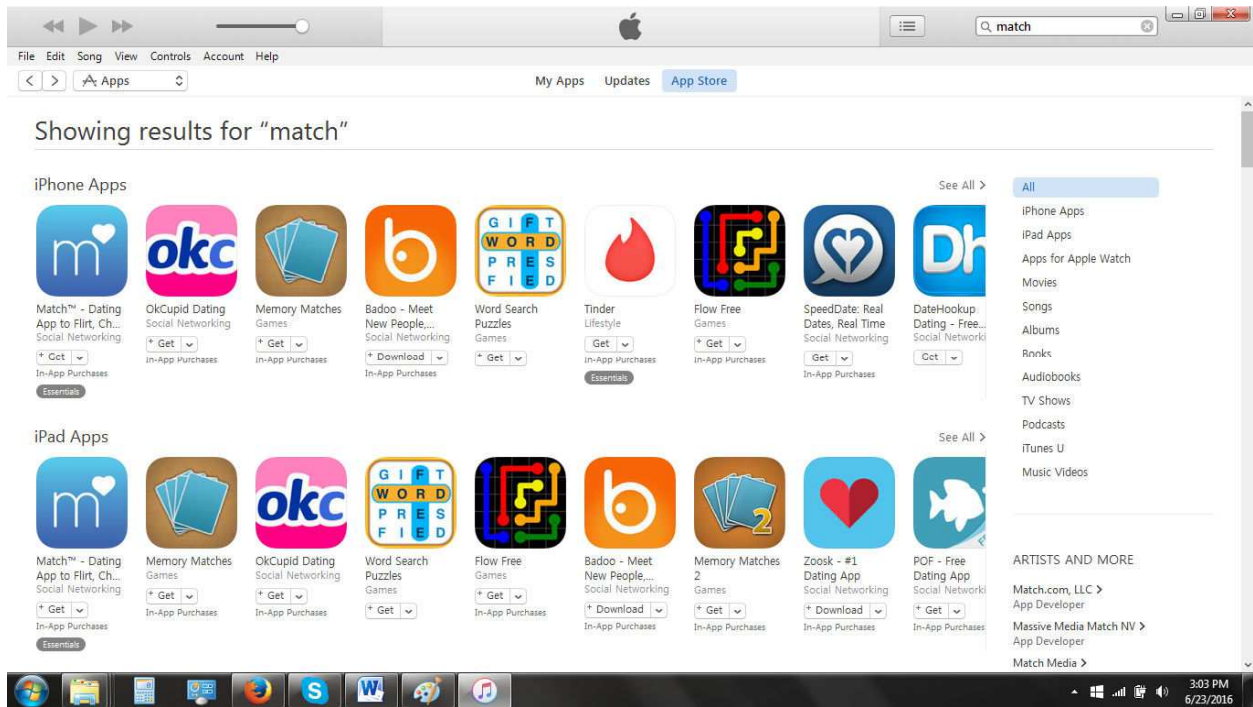
**Match factor extensions** 

[https://wikilms.unimelb.edu.au/wiki/download\\_file.php?fileid=765](https://wikilms.unimelb.edu.au/wiki/download_file.php?fileid=765) 

to the match factor ratio to allow consideration of heterogeneous fleets. The results of ... The match factor is the ratio of truck arrival times to loader service rates.

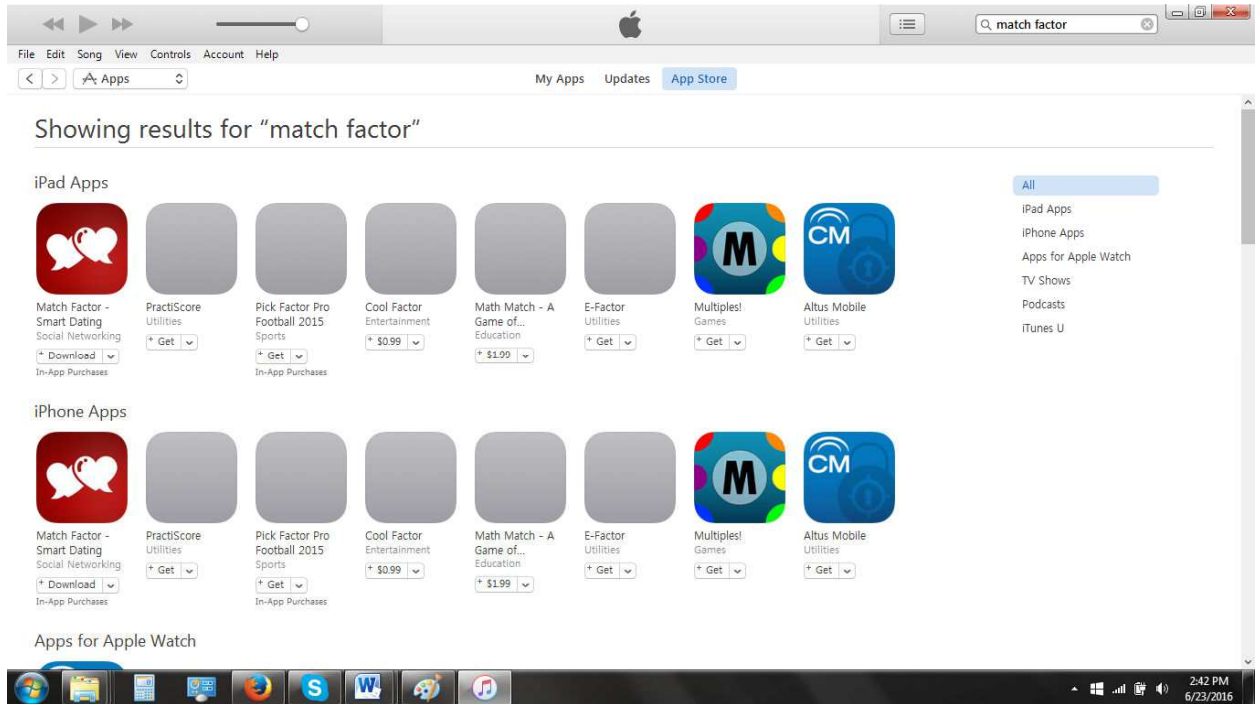
# Exhibit 1E

Search for word “Match” returns only suggestions related to the Opposer

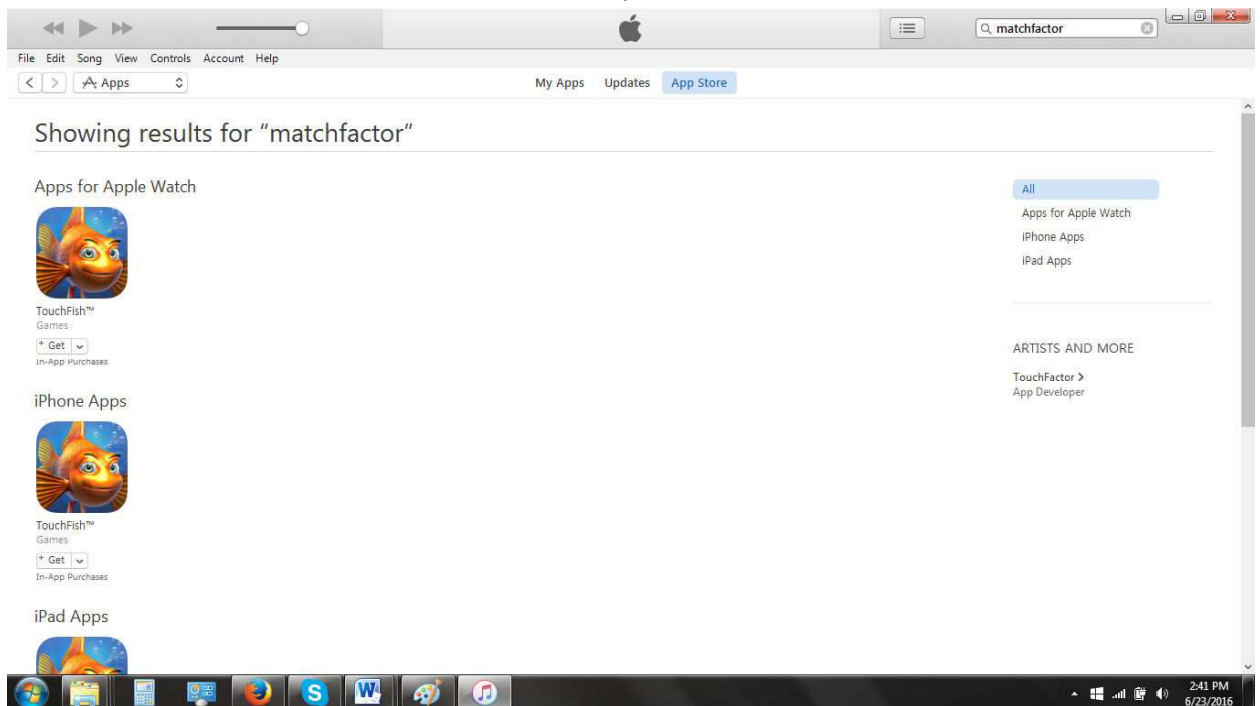


## Exhibit 1F

Search for word “Match Factor” returns only suggestions related to the Applicant.



Search for word “MatchFactor” did not returned any result.



## Exhibit 2

Paragraph from the Applicant's Provisional Application for Patent (dated June 22, 2015)  
field of the Invention and associated screen pictures

*“The present invention relates to a system and method applicable in the field of matching persons or processes involving demand and request. The method generates 2 Match Factors percentages representing the probabilities of the relations between A and B and between B and A to last, where A and B are persons or processes.*

*The method relies on an algorithm that considers Personality and Scale of Values to establish a weighted calculation of probabilities. “*

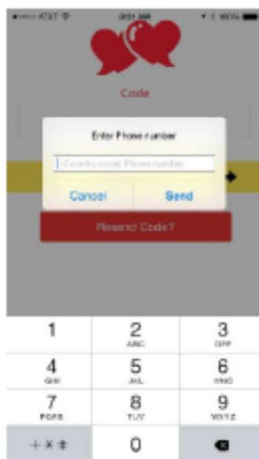


FIG. 1

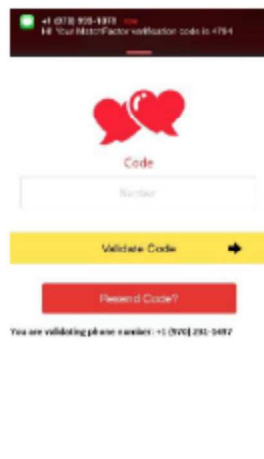


FIG. 2

## Exhibit 3A

Website [www.matchfactor.co](http://www.matchfactor.co) was acquired and public on July 27, 2014 prior to Nov 12, 2014, formal date used for Trademark.

[My Account](#) | [Order History](#) | [Receipt](#)

<https://account.godaddy.com/orders/receipt/716547978>



14455 North Hayden Road  
Suite 219  
Scottsdale, AZ  
(480) 505-8877

### Invoice / Receipt

Date: Jul 27, 2014 8:10 PM

Invoice / Receipt #: 716547978

Customer #: 86970345

**Bill To:**  
Irina Stan  
  
143 Rocky Hill  
Rehoboth, MA  
+1.774.565.0868

**Payment Information:**  
Paid: \$19.98

### Items

.CO Domain Name Registration - 1 Year (recurring)  
matchfactor.co

Item Number: 56401-1  
Quantity: 1  
Term: 1 year(s)

List Price: \$29.99  
Purchase Price: \$9.99  
ICANN Fee: \$0.00  
Discount: \$0.00  
Total: \$9.99

## Exhibit 3B

A screen capture of the webpage [www.matchfactor.co](http://www.matchfactor.co) was attached as Specimen to the Trademark filing

